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UNCLAS SECTION 01 OF 02 ISTANBUL 000149

SIPDIS

SENSITIVE

E.O. 12958: N/A

TAGS: PGOV PHUM TU

SUBJECT: PROTESTANTS TRY ADAPTIVE APPROACH TO CHURCH

ESTABLISHMENT

**¶11. (SBU)** Summary: Seventeen nascent Protestant churches have adopted a novel legal tactic designed to circumvent regulations that for years have made it nearly impossible to receive zoning approval for a church or prayer group. The success or failure of this strategy depends on the outcome of the churches' attempts to win legal recognition in a series of ongoing court cases. End Summary.

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In Legal Limbo  
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**¶12. (SBU)** Poloff recently met with Attorney Mustafa Demir, who represents most of the American Protestant groups in Istanbul, including a total of 22 churches and one now-defunct school (Martyn International Academy). In past meetings, Demir and Amcit Protestant leader George Bristow expressed their frustration at not being able to open a church under Turkish law. In fact, Demir said, there is no provision in Turkish law, either positive or negative, for the establishment of a new church. Requests for a building to be zoned as a church are typically ignored or refused.

**¶13. (SBU)** For these reasons, Protestant groups often give up trying to establish churches within any legal framework, instead opting for informal arrangements, converting shops or apartments into places of worship, and hoping that the unregistered church will go unnoticed. This approach typically works for a time, but in a matter of months police take notice, or neighbors complain, and the informal church is shut down, the leaders often charged with zoning violations.

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The Mosque-like Approach  
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**¶14. (SBU)** Ironically, most Turkish mosques similarly inhabit a legal no-man's-land, in that they too usually lack zoning permission. Upon completion of a new mosque, the leadership applies for benefits that, according to Turkish law, are given to all religious institutions: free water, electricity, gas, trash collection, and so forth.

**¶15. (SBU)** Demir sees provision of these services as a means to secure legal recognition without the zoning issue face-off. He has advised his clients first to buy, lease, or renovate the property they wish to use as a church. Then, the church requests provision of municipal services that all religious institutions are entitled to. Also, the church notifies the local police that they have some security concerns, and requests police protection. Finally, if GoT authorities warn the churches of their lack of a zoning permit, they file a counter-suit asking for legal recognition from the state, claiming that the utilities and police protection constitute evidence of their recognized status in a manner similar to any mosque.

**¶16. (SBU)** To date, 17 churches have initiated cases seeking such legal recognition. Of the 17, three have had initial rulings: one finding in favor of the church, one against (stating that the church was not a legal entity and thus could not bring suit against the state), and one which has been postponed for further examination. Demir hopes that if the one positive ruling stands on appeal, it can be used as precedent to buttress the claims of the other churches.

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Under Another Umbrella  
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17. (SBU) The same group of Istanbul Protestant churches had previously run up against difficulties in running an unregistered school, the Martyn International Academy (MIA). Though the case is still pending, the board members of the now-defunct school admitted to breaking Turkish law in the operation of an unlicensed educational institution (see reftel).

18. (SBU) In a similarly pragmatic manner, MIA has found a means to re-open in another location on the Asian side of Istanbul, under the auspices of the newly opened Istanbul International School of Camlica. The school has already been registered, and the former MIA students and faculty have been added on as the "English Language Section" of a school that also offers instruction in Turkish and Korean. 200 former MIA students have thus been able to attend classes under the new school's name.

19. (SBU) Comment: Having exhausted their earlier strategies of normal application, and quiet evasion, Demir and Bristow hope that their new "adaptation" strategy will prove more fruitful. Final resolution of the ongoing cases will soon show whether or not their hopes are misplaced. End Comment.  
ARNETT